HIGH COURT OF UTTARANCHAL AT NAINITAL.

SECOND APPEAL No. 1443 OF 2001
(Old No. 2254 of 1986)

Chadammi Lal, son of Tulsi,
Resident of Village Majhola,
Tehsil Khatema, District Nainital. .... Plaintiff/Appellant

Versus

Daya Ram
and others .... Defendant/Respondents.

Hon'ble Mr. Rajesh Tandon, J.

File has been transferred from Allahabad High Court.

None appears for the parties.

By the impugned order, the petitioner has field a Second Appeal claiming permanent injunction not to interfere with the possession of the plaintiff. I have perused the record. The Trial Court has decreed the suit. However, the appeal was allowed.

The Appellate Court has recorded a finding that the plaintiff has failed to prove the possession and ownership on the land in dispute.

In view of the above, the Second Appeal is concluded by findings of fact as no substantial question of law is involved.

Writ petition is dismissed No order as to costs.

(RAJESH TANDON J.)

30.9.2004
Rathour